

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**24<sup>TH</sup> SEPTEMBER 2020**

**21<sup>ST</sup> CENTURY SCHOOLS AND COLLEGES PROGRAMME – MUTUAL INVESTMENT MODEL (MIM) 21<sup>ST</sup> CENTURY SCHOOLS WELSH EDUCATION PARTNERSHIP – STRATEGIC PARTNERING AGREEMENT (SPA)**

**REPORT OF THE CHIEF EXECUTIVE IN DISCUSSION WITH THE CABINET MEMBER FOR EDUCATION (COUNCILLOR MRS J ROSSER)**

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**1. PURPOSE OF THE REPORT**

The purpose of the report is to:

- 1.1 Provide Members with an update on the Mutual Investment Model (MIM) funding element of Welsh Government's 21<sup>st</sup> Century Schools and Colleges Programme.
- 1.2 Inform Members of progress Welsh Government has made in procuring a private sector partner to assist with the delivery of education and community facilities in Wales, under the MIM 21<sup>st</sup> Century Schools and Colleges Programme.
- 1.3 Explain the process and seek Cabinet approval to enter into a Strategic Partnering Agreement with Welsh Education Partnership Co (WEPCo) to facilitate the delivery of education and community facilities. Cabinet are also asked to approve the appointment of Andrea Richards, Temporary Service Director for 21<sup>st</sup> Century Schools and Transformation and / or Dave Powell, Director of Corporate Estates as 'Participant Representative' to sit on the Strategic Partnering Board.
- 1.4 Request approval to submit the Strategic Outline Business Case for three initial MIM Pathfinder Projects to the Welsh Government. The three Pathfinder Projects are Llanilltud Faerdref Primary School, Pontyclun Primary School and Penygawsi Primary School.
- 1.5 To note that approval to enter into a Project Agreement for any of the Pathfinder Projects will be brought back to Cabinet in future for determination and that agreeing to enter into the Strategic Partnering

Agreement does not commit the Council to enter into contractual arrangements in relation to any projects.

## **2. RECOMMENDATIONS**

It is recommended that Cabinet:

- 2.1 Note the outcome of the Preferred Bidder Stage of the Competitive Dialogue Procedure under the Public Contracts Regulations 2015 as outlined in this report.
- 2.2 Agree to be a party to the execution, delivery and performance of the Strategic Partnering Agreement with the Welsh Education Partnership Co (WEPCo) in September 2020 to facilitate the delivery of a range of infrastructure services and the delivery of education and community facilities.
- 2.3 Approve the Strategic Partnering Agreement at exempt Appendix A of this report and summarised in paragraphs 4.6 to 4.16 and Appendix 1 of this report.
- 2.4 Note that the Strategic Partnering Agreement shall be executed as a deed and attested in accordance with Article 14.05 of Part 2 of the Council's Constitution;
- 2.5 Agree to approve Andrea Richards, Temporary Service Director for 21<sup>st</sup> Century Schools and Transformation and / or Dave Powell, Director of Corporate Estates for appointment as 'Participant Representative' to sit on the Strategic Partnering Board (SPB);
- 2.6 Agree to begin the Approval Process for New Projects as set out in Schedule 5 of the Strategic Partnering Agreement for the delivery of new school buildings and for a Strategic Outline Business Case for three initial Pathfinder Projects be submitted to the Welsh Government. The three Pathfinder Projects are Llanilltud Faerdref Primary School, Pontyclun Primary School and Penygawsi Primary School. A further report regarding funding arrangements will be brought back to Council for approval at a future date.
- 2.7 Note that formal approval to proceed to deliver any new project including a Pathfinder Project, and to enter into associated legal documentation to facilitate the same including a Project Agreement, would require further approval of the Cabinet

### **3 REASONS FOR RECOMMENDATIONS**

3.1 These recommendations continue the Council's ambitious school modernisation agenda and these recommendations are aligned with the 21<sup>st</sup> Century Schools and Colleges Programme funding criteria. The priorities for this investment are:

- Addressing growth in demand for Welsh medium education
- Reducing surplus capacity and inefficiency in the system
- Expansion of schools in areas of increased demand for educational services
- Addressing condition of educational assets
- Making assets available for community use where demand exists, to optimise the infrastructure and resources for public services
- Addressing specific demand for places in Faith Based provision.

3.2 To access revenue funding from the 21<sup>st</sup> Century School and Colleges programme for Band B projects the Council will need to use the Mutual Investment Model (MIM) to access the funding, and WEPCo for delivery. There are no alternative delivery options for such funding.

3.3 For projects funded through MIM, Welsh Government finance up to 81%, with the balance of 19% being funded by the Council.

### **4. BACKGROUND**

4.1 Members will recall on 18<sup>th</sup> July 2017, a report was put before Cabinet where members approved the submission of the Strategic Outline Programme (SOP) for Band B of the Welsh Government's 21<sup>st</sup> Century Schools and Colleges Programme. As stated in the report, Band B has two different funding routes – a capital funding route and a revenue funding route.

4.2 The Mutual Investment Model (MIM) is the revenue funding route which enables investment up to a capital value of £500 million across the whole of Wales.

4.3 MIM is a platform for delivery of the "Taking Wales Forward" agenda. MIM has been designed to finance major capital projects due to a scarcity of capital funding. It is based on traditional PPP structures but with the following core principles embedded:

- an emphasis on wider community benefits;
- enhanced stakeholder involvement;
- public sector equity investment;
- no soft services; and
- effective and efficient contract management by the public sector.

- 4.4 The MIM is intended to support additional investment in social and economic infrastructure projects and help to improve public services in Wales. Under the MIM, the private sector partners will build and maintain public assets, and in return the Council supported by funding from the Welsh Government will pay a fee to the private partner, which will cover the cost of construction, maintenance and financing the project. At the end of the contract the asset reverts to the Council.
- 4.5 The Welsh Government has been procuring a private sector partner to work in partnership on the delivery of education and community facilities in Wales, under the MIM 21st Century Schools and Colleges Programme. It will be the only means of delivering revenue funded Band B projects. The Welsh Government has selected a preferred bidder, namely Meridiam Investments II SAS (“Meridiam”). The successful private sector partner and a subsidiary of the Development Bank of Wales (known as WGCo) will be required to form WEPCo, which will deliver infrastructure services to the Participants in Wales.

#### The Strategic Partnering Agreement (SPA)

- 4.6 The Participants to the arrangements will be a number of Local Authorities and Further Education Institutions. The Participants and WEPCo will enter into a Strategic Partnering Agreement (SPA). The SPA provides the framework and procedures for ensuring that the parties effectively engage over the long term in a collaborative partnering, non-adversarial and open manner to support the effective planning, procurement and delivery of education and community facilities in Wales and the delivery of infrastructure services. The SPA is due to be signed in September 2020.
- 4.7 Under the Strategic Partnering Agreement, WEPCo will be required to provide partnering services to the Participants, including (i) project development and delivery; and (ii) supply chain assembly and management. This may lead to the delivery of revenue supported Band B projects pursuant to a separate Project Agreement or, in due course, capital funded projects could be delivered through this contract structure.
- 4.8 The initial term of the SPA is 10 years. This may be extended by 5 years by any one or more Participants. Under the SPA, WEPCo is required to provide partnering services to the Participants. These services include (i) project development and delivery; (ii) supply chain assembly and management and (iii) other professional services necessary to fund and deliver education and community facilities.

4.9 For the first 10 years of the SPA, WEPCo has the exclusive right to provide services to all Participants (as signatories to the SPA) including:

- Project Development Partnering Services to work up new “Qualifying Projects” (only) for delivery (including supply chain assembly, funding and value for money), set out in more detail in Schedule 3 (Partnering Services) of the SPA; and
- Project Services (design, construction, testing, commissioning and completion of the premises, hard facilities management, and installation of equipment) relating to a “Qualifying Project” subject to it becoming an “Approved Project” within the first 10 years of the SPA and for a MIM Band B project, provided that it has met the criteria set out in Schedule 5 (Approval Process for New Projects) of the SPA.

4.10 “Qualifying Projects” means those identified projects at the outset for delivery by WEPCo and all other 21st Century Schools and Colleges (Band B) MIM Programme projects, where such a project has been identified by a Participant required to enable them to provide education based services in the region.

4.11 Participants may also ask WEPCo to provide additional services, including:

- Project Services relating to capital projects required for the provision of education sector services (where expressly designated and approved under a Strategic Outline Programme) and/or community services;
- Strategic Support Partnering Services (such as estate planning, service planning and demonstrating value for money);
- Project Development Partnering Services in respect of potential new projects, which are not “Qualifying Projects”, but requested by a Participant;
- Ongoing Partnering Services and/or Project Development Partnering Services after ten years, where the initial term of the SPA has been extended; and
- Project Services in respect of Qualifying Projects which become “Approved Projects” after 10 years, where the initial term of the SPA has been extended.

4.12 If a Participant receives funding for a 21st Century Schools and Colleges Band B MIM Programme project, WEPCo has the exclusive

right to develop proposals for the delivery of that project (Project Development Partnering Services) within the first 10 years of the SPA.

- 4.13 Therefore, the most likely outcome for a Participant that becomes a party to the SPA is that they proceed to develop a project or projects using the Approval Process in the SPA resulting in the execution of a Project Agreement which will govern the design, build, finance and maintenance of schools or colleges.
- 4.14 Appendix 1 provides a more detailed summary of the SPA.
- 4.15 The SPA commits the Participants (i.e. the Council) and WEPCo to work to the following nine (9) key principles:
- to develop close working relationships between WEPCo and the Participants at all levels;
  - to focus on achieving the best value for money operational performance within agreed timescales;
  - to set in place business and cultural processes to enable the Participants and WEPCo to establish and agree challenging time and performance objectives and to meet or better them;
  - to recognise each other's needs, constraints, limitations, capabilities, roles and responsibilities to achieve mutually beneficial outcomes;
  - to identify by regular monitoring, weaknesses and strengths in the relationship between and amongst the Participants and WEPCo and to work together to overcome the weaknesses and to build on the strengths;
  - to commit to the early recognition and resolution of differences, conflicts and disputes between and amongst the Participants and WEPCo in a 'no surprises' environment;
  - to appoint within each of the Participants and WEPCo co-ordinators at senior level who will support, defend and promote the long term strategic partnership between them and its principles of operation;
  - to develop openness and trust in a transparent information and data sharing environment; and
  - in accordance with the Equality Requirements to positively promote equal opportunities and the Ethical Employment Code by combating discrimination on the grounds of race, ethnicity,

religion, nationality, gender, disability, age or sexuality and promoting good relations between all sections of the community in 'everything we do' including:

- a) Delivering high quality Education Sector Services and (where relevant) Community Services for end users; and
- b) Working with the local community and partners in the public, private or voluntary sectors.

4.16 The Strategic Partnering Board (SPB) will be the guardian vehicle of these commitments.

#### The Strategic Partnering Board (SPB)

4.17 The SPB will act as the primary mechanism for managing WEPCo's performance. The SPB will be the central forum in which the Participants can work together with WEPCo, Welsh Government and Stakeholder Representatives to ensure that the key principles of the SPA are met. Participant representation will be required on the SPB and is proposed to be Andrea Richards, Temporary Service Director for 21<sup>st</sup> Century Schools and Transformation and / or Dave Powell, Director of Corporate Estates.

4.18 The SPB's role will be to approve the Strategic Delivery Plan (SDP); ensure any new project proposals are consistent with the SDP; monitor WEPCo's performance against agreed Key Performance Indicators; approve any extension to the SPA term; and approve any proposed disposal of interest in share capital resulting in a loss of control by WEPCo (or subsidiary).

4.19 The Welsh Government have advised that the Council's Representative will be expected to be a senior representative of the Council, with the appropriate authority to make decisions on behalf of the Council. They should be experienced in holding a director or similar position and have the required skills to make the decisions required to be made by the SPB. Consideration will need to be given to any likely conflicts of interest and assurances given that conflicts of interest do not prevent the chosen representative from fulfilling their role as representative, as well as any other role they hold directly in the Council.

4.20 The Council's Representative will attend the SPB meetings at least every three months, together with representatives of each Participant, WEPCo, Welsh Government and other stakeholder representatives as agreed by the Participants. These meetings are to review financial and operating issues and provide strategic input into the partnering arrangements including the exchange of ideas in relation to each of the

Participants' accommodation and service delivery requirements. Appendix 2 provides a more detailed summary of the role of the SPB.

- 4.21 Given their current role within the Council and significant experience in delivering 21<sup>st</sup> Century School projects, it is recommended that Andrea Richards, Temporary Service Director for 21<sup>st</sup> Century Schools and Transformation and / or Dave Powell, Director of Corporate Estates undertake the role of Council's Representative on the SPB.

#### Pathfinder Projects

- 4.22 WEPCo shall, if requested to do so by one or more Participants, develop proposals for the implementation and delivery of new projects including Pathfinder Projects through the Approval Process for New Projects set out in Schedule 5 of the SPA. WEPCo will assist Participants in developing proposals for the delivery of new projects, the preparation of an outline business case and the obtaining of all necessary approvals to progress any new project request by a Participant.
- 4.23 The proposed first tranche of Pathfinder projects are three primary schools in the south of the County Borough. They are all in an area of rapid housing development, and are all in need of investment in order to become fully accessible and brought up to a 21<sup>st</sup> Century Schools' standard. All three have CLASP buildings on site, have issues with access and have come to the end of their useful life. The three schools are Llanilltud Faerdref Primary School, Penygawsi Primary School and Pontyclun Primary School.
- 4.24 The Welsh Government have used these three potential projects during the WEPCo procurement process as a way of market testing and challenging the interested bidders, and as a result have gathered a lot of data on each of the sites. If these three projects are to be the first to be delivered through MIM then the Welsh Government require a Strategic Outline Business Case to be submitted in the Autumn. It should be noted that none of these projects require a statutory school organisation consultation.
- 4.25 WEPCo will be obliged to meet the Participants' requirements for the delivery of any new project including Pathfinder Projects. Authority to proceed to deliver any new project including a Pathfinder Project, and to enter into a Project Agreement, would require further Council approval and reports will be brought back to Cabinet for determination accordingly.
- 4.26 Appendices 3a and 3b provide a more detailed summary of the Approval Process for New Projects under the SPA.



- 4.27 If agreed, these proposals will result in a significant investment in building new schools and delivering learning environments that will ensure learners have access to high quality 21st Century educational settings.
- 4.28 There is clearly a need to continue to significantly invest in the Council's educational assets, to provide equity so that all RCT pupils can benefit from 21st Century learning environments; to support the new curriculum for Wales; to facilitate broader pupil choice and enhanced pastoral support. The investment aims to create environments that meet individual needs and promote achievement and progression.

#### What Happens If Approval Is Not In Place By September 30<sup>th</sup> ?

- 4.29 Welsh Government has strongly encouraged Local Authorities and FEIs to sign up to the arrangements with WEPCo via the SPA regardless of whether they have a MIM Scheme in place as WEPCo also offers Strategic Support Partnering Services which can assist Participants with estates planning or associated activities.
- 4.30 The purpose of the SPA is to enable Participants to proceed to develop a project or projects using the Approval Process for New Projects within the SPA, resulting in the execution of a Project Agreement. In order to benefit from that process Participants need to execute and be a party to the SPA.
- 4.31 There is a mechanism within the SPA that will allow for those Participants (named in the OJEU) to sign up after September 2020 by way of a deed of adherence (**DoA**), although this will create delays:
- (a) Where any Participant is to sign the DoA this will require all existing parties to re-execute the SPA. This will require all Participants to take further decisions to re-enter the SPA, creating delays in the delivery of Pathfinder Projects
  - (b) Where any Participant is not signed up to the SPA by the September 2020 deadline, it is unlikely that they will have a Pathfinder Project or be included in the first Annual Business Plan of WEPCo. This will cause delays in the delivery of any education project

If a Participant were to choose not to sign the SPA or the Deed of Adherence (DoA) and then wanted in the future to access Partnering Services or Project Services from WEPCo, it will not be able to do so in a procurement safe manner.

- 4.32 Similarly, with regards to 21st Century Schools and Colleges Band B funding, if a Participant were to choose not to sign the SPA or the DoA but then wanted to utilise WEPCo to deliver a Band B funded project (whether capital or revenue) in the future, it will also not be able to do so in a procurement safe manner.
- 4.33 Should for example, a Participant secure MIM Band B funding downstream from the Welsh Government for a project not currently identified and it was required to use WEPCo, it would not be able to do so in a procurement safe manner if it had not signed the SPA or the DoA. WEPCo has the exclusive right to develop proposals for the delivery of a 21st Century Schools and Colleges Band B MIM Programme project (Project Development Partnering Services) within the first 10 years of the SPA.
- 4.34 It is therefore recommended that Cabinet approve entering into the SPA as set out this report to ensure that the SPA is completed in the Autumn as planned and that the Council is able to utilise the SPA from its go-live date and proceed with the three Pathfinder Projects.

#### The Procurement Process

- 4.35 The Welsh Government has been engaged in a competitive dialogue tender process. The aim of the competitive dialogue procedure was to enable the Welsh Government as the contracting authority to "identify the solution or solutions which are capable of meeting its needs". Comprehensive dialogue has been held with each of the Bidders during the Dialogue Process.
- 4.36 On 14th February 2020, three Draft Bids were received. These were reviewed and comments sent back on the Draft Bid submissions to inform the next stage of dialogue. On 20th February a "meet the Bidders" event was held at the Yr Hafod facilities in CP2, officers from the Council's Corporate Estates and Education and Inclusion Services departments were in attendance.
- 4.37 Bidders submitted their Bids by 12 noon on 27th April 2020 and compliant Final Tenders were received from the three bidders. Evaluation meetings took place remotely. Meridiam Investments II SAS ("Meridiam") have been appointed as Welsh Government's preferred bidder.

## **5. EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 An Equality Impact Assessment and a Children's Rights Impact Assessment will be completed for each project as a part of the Business Case submission process.

- 5.2 Cabinet Members will of course be fully aware and mindful of the general equality duty introduced by the Equality Act 2010 (the “Equality Act”) and the specific public sector equality duties applicable to the Council as a local authority in Wales.
- 5.3 In accordance with the Equality Act, the Council (and consequently Cabinet) when exercising its functions has a general duty to have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
  - advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - foster good relations between people who share a protected characteristic and those who do not.
- 5.4 The duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.
- 5.5 The Equality Act outlines that having due regard for advancing equality involves:
- removing or minimising disadvantages suffered by people due to their protected characteristics;
  - taking steps to meet the needs of people from protected groups where these are different from the needs of other people; or
  - encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 5.6 In addition to the general duty the Council must:
- assess the likely impact of proposed policies and practices on its ability to comply with the general duty;
  - assess the impact of any policy which is being reviewed and of any proposed revision;
  - publish reports of the assessments where they show a substantial impact (or likely impact) on an authority’s ability to meet the general duty; and
  - monitor the impact of policies and practices on its ability to meet that duty.

- 5.7 Members will be aware that the Welsh language has official status in Wales which means that the Welsh language should not be treated less favourably than the English language in Wales. Any Equality Impact Assessment will consider the potential impact of any proposal on the Welsh language. Members should also have regard to the Council's [Welsh in Education Strategic Plan 2017-2020](#). Members will recall the [Cabinet report dated 9<sup>th</sup> April 2019](#) which outlines the Council's continued commitment to investing in Welsh medium provision and increasing the number of Welsh medium places within the county borough in line with Welsh Government's target of achieving one million additional Welsh speakers as detailed in 'Cymraeg 2050'. That report and the Council's WESP should be considered as background papers to this report.
- 5.8 We will seek the advice of the Welsh Language Commissioner in ensuring that the action taken in considering the EIQ and the WESP, is fully compliant with the Welsh Language Standards.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 If the proposals proceed they will be funded by the 21<sup>st</sup> Century Schools and Colleges Programme, through its MIM model of funding. This is a revenue model of investment which includes a contribution of up to 81% from Welsh Government. The remaining 19% will be funded by the Council.
- 6.2 As outlined above, this funding is subject to approval by the Welsh Government following the submission of the relevant Business Cases.
- 6.3 A report detailing the financial implications and the payment schedule will be presented to Council for approval once final project costs become available.

## **7. LEGAL REQUIREMENTS**

- 7.1 Approval to enter into the Strategic Partnering Agreement (SPA) is an executive function requiring a decision of the Cabinet.
- 7.2 To enter into and participate in the SPA referred to in this report, the Council will be relying upon a number of statutory powers:
- the "well-being" powers contained in section 2 Local Government Act 2000;
  - powers contained in the Education Acts 1996 and 2002;

- the “incidental” provisions of section 111 Local Government Act 1972.
- 7.3 The well-being powers contained in section 2 Local Government Act 2000 permit the Council to do anything which it considers is likely to achieve any one or more of the following objects:
- the promotion or improvement of the economic well-being of their area;
  - the promotion or improvement of the social well-being of their area, and
  - the promotion or improvement of the environmental well-being of their area
- 7.4 In exercising this power the Council has had regard to the requirements of the Well-Being of Future Generation (Wales) Act 2015 ('the Act'). The Act places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
- 7.5 The incidental provisions of section 111 Local Government Act 1972 permit the Council to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.
- 7.6 Entering into the SPA itself does not bind the Council in any way. However, there are certain requirements of the Council when proceeding with Projects as set out in this report and Appendices 1-3. Further, the Council will be required to appoint a representative to act on its behalf in relation to the SPA and the Cabinet is asked to approve the appointment of Andrea Richards, Temporary Service Director for 21<sup>st</sup> Century Schools and Transformation and / or Dave Powell, Director of Corporate Estates as 'Participant Representative' to sit on the Strategic Partnering Board . The identity of the representative may change at any time following written notice to WEPCo and all other Participants. Each representative may also at any time, by written notice to WEPCo, authorise others to exercise the functions and powers of the Council.
- 7.7 This report seeks authority to approve the use of the Approval Process for New Projects as set out in Schedule 5 of the SPA for the delivery of new school buildings for Llanilltud Faerdref Primary School, Penygawsi Primary School and Pontyclun Primary School as Pathfinder Projects.

7.8 It is noted that formal approval to proceed to deliver any new project including a Pathfinder Project, and to enter into associated legal documentation to facilitate the same including a Project Agreement, would require further approval of the Cabinet.

## **8. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT**

8.1 The Council's Corporate Plan commits to "Continue to invest in improving school buildings, to ensure the County Borough's pupils have the learning environment fit for the 21<sup>st</sup> Century."

8.2 The proposals considered in the report contribute to all 7 well-being goals within the Future Generation (Wales) Act 2015 and due regard has been made to the Five Ways of Working, as contained within the Wellbeing of Future Generations (Wales) Act 2015. This is evidenced below:

- A prosperous Wales  
Improving educational outcomes and educational provision are priorities for every project delivered within the 21<sup>st</sup> Century Schools Programme, contributing to the development of a skilled and well-educated workforce.
- A resilient Wales  
Newly constructed schools are built to BREEAM excellent standards and include features such as photovoltaic cells, rain water harvesting systems, and a biodiverse forest schools' area, contributing to a healthier natural environment.
- A healthier Wales  
The 21<sup>st</sup> Century Schools Programme delivers modern and multi-use sports provision and flexible external facilities that not only benefit the school but also the wider community. The benefits of which have a positive effect on health and well-being.
- A more equal Wales  
All of our new 21<sup>st</sup> Century Schools are wholly inclusive and fully accessible. All pupils and parents have the opportunity to choose the school of their choice, be it English medium, Welsh medium or a faith provision. In addition, RCT's home to school transport, which exceeds the Welsh Government's statutory requirements, ensures that all pupils have equitable access to any school regardless of social, economic or geographical factors.

- A Wales of cohesive communities  
Community facilities are included within our new schools so that schools can provide an additional role within its community and act as a catalyst for creating a local community focus. Facilities include dedicated community rooms, childcare settings, as well as sports facilities that can be used out of hours thus increasing the connectedness of learners and non-learners from different communities.
- A Wales of vibrant culture and thriving Welsh language  
RCT's WESP sets out the Council's vision and objectives to increase the number of Welsh learners; improve the quality of the provision and the educational outcomes; and ensure there is suitably trained and qualified educational workforce. This Plan is a key policy and informs the 21st Century Schools and Education Programme. The proposals will increase the availability of Welsh medium school places in Rhondda Cynon Taf.
- A globally responsible Wales  
The larger 21st Century Schools projects are procured using the Official Journal of the European Union (OJEU). This is the publication in which all tenders from the public sector which are valued above a certain financial threshold according to EU legislation, must be published, advertising opportunities on a global scale.

8.3 An assessment of the proposals on The Well-being and Future Generations Act's five ways of working follows:

<p><u>Long Term</u> (The importance of balancing short term needs with the need to safeguard the ability to also meet long term needs)</p>	<p>How does your project / activity balance short-term need with the long-term and planning for the future?</p> <p>Maintaining the existing provision of educational premises within Rhondda Cynon Taf places enormous strain on the Council resources. It is recognised that there is an opportunity through the 21<sup>st</sup> Century Schools and Colleges Programme to manage these pressures more efficiently in future years.</p> <p>The long term vision for RCT education is to provide all learners with the best opportunity possible to achieve their full potential through the means of education by providing access to the very best learning opportunities with modern, flexible, accessible facilities appropriate for delivering the new curriculum.</p>
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	Improved learning environments will act as a stimulus to creating a better future for through delivering brand new 21st Century Schools facilities for our young pupils.
<u>Prevention</u> (How acting to prevent problems occurring or getting worse may help public bodies meet their objectives)	How does your project / activity put resources into preventing problems occurring or getting worse?
	The Council recognises the challenges of providing everyone with the facilities and opportunities to receive an excellent education in 21 <sup>st</sup> Century facilities. These proposals will enhance and improve the educational environments for all learners affected.
<u>Integration</u> (Considering how the public body's well-being objectives may impact upon each of the wellbeing goals, on their objectives, or on the objectives of other public bodies)	How does your project / activity deliver economic, social, environmental and cultural outcomes together?
	These proposals will deliver an increase in school places in the south of the County Borough. They will provide opportunities for wider community collaboration and participation, a more sustainable and accessible educational building meeting BREEAM targets, while providing a more integrated and improved learning experience.
<u>Collaboration</u> (Acting in collaboration with any other person (or different parts of the body itself) that could help the body meet its well-being objectives)	How does your project / activity involve working together with partners (internal and external) to deliver well-being objectives?
	If these proposals are to go ahead then collaboration and consultation will be undertaken to ensure that all stakeholders have an opportunity to shape the 21 <sup>st</sup> Century Schools' provision to ensure benefits and well-being opportunities are maximised.
<u>Involvement</u> (The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves)	How does your project / facility involve stakeholders with an interest in achieving the well-being goals? How do those stakeholders reflect the diversity of the area?
	Moving forward, engagement with learners, staff and RCT residents will continue and input and information gleaned will shape the new school facilities. In addition, information gathered will influence and inform our future projects so all consultation undertaken shapes the legacy of the 21 <sup>st</sup> Century Schools Programme.



## **9. CONCLUSION**

- 9.1 The Council is responsible for delivering high educational standards and efficient education provision that serves our local communities. This is achieved by ensuring that the right schools, are the right size, are in the right location and are fit for the 21st Century learner.
- 9.2 To continue to build upon the success of the significant improvements delivered to the Council's education assets through the Band A 21<sup>st</sup> Century Schools investment, Members are asked to:
- Agree to approve Andrea Richards, Temporary Service Director for 21<sup>st</sup> Century Schools and Transformation and / or Dave Powell, Director of Corporate Estates for appointment as 'Participant Representative' to sit on the Strategic Partnering Board (SPB);
  - Agree that a Strategic Outline Business Case, for three initial Pathfinder Projects, be submitted to the Welsh Government for the construction of new schools for Llanilltud Faerdref Primary School, Pontyclun Primary School and Penygawsi Primary School.
- 9.3 Agree to be a party to the execution, delivery and performance of the Strategic Partnering Agreement with the Welsh Education Partnership Co (WEPCo) in September 2020 to facilitate the delivery of a range of infrastructure services and the delivery of education and community facilities;

## 10. APPENDICES

Exempt Appendix A	<p>Strategic Partnering Agreement (SPA) – Engrossment version</p> <p>Containing associated legal documents:-</p> <ul style="list-style-type: none"> <li>- SPA – Schedule 3 – Section 3 – Strategic Partnering Agreement KPIs</li> <li>- SPA – Schedule 7 – Section 1 – Template MIM Education Project Agreement</li> <li>- SPA - Schedule 7 – Section 1 – Authority’s Construction Requirements (Section 3 of Schedule 6 of the template MIM Project Agreement)</li> <li>- SPA – Schedule 7 – Section 1 – MIM – Payment Mechanism (Schedule 14 of the template MIM Project Agreement)</li> <li>- SPA – Schedule 7 – Section 1 – MIM – Service Level Specification (Section 1 of Schedule 12 of the template MIM Project Agreement)</li> <li>- SPA – Schedule 7 – Section 2 – MIM – Template Education Design &amp; Build Development Agreement</li> <li>- SPA – Schedule 7 – Section 3 – MIM Template WEPCo Shareholders’ Agreement</li> <li>- SPA – Schedule 7 – Section 4 – MIM – Template Project Co Shareholders’ Agreement</li> </ul>
Appendix 1	Strategic Partnering Agreement Summary
Appendix 2	Strategic Partnering Board Summary
Appendix 3	Approval Process for New Projects and Flow Diagram

## **11. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### **Background Papers**

- 11.1 Council's [Welsh in Education Strategic Plan 2017-2020](#)
- 11.2 Cabinet Report of 9<sup>th</sup> April 2019 – 'Planning for Welsh Medium Education Places' – Report of the Director of Education and Inclusion in discussion with the Cabinet Member for Education (Councillor Joy Rosser).

### **Reasons for exemption**

- 11.2 Part B of this report is not for publication by virtue of paragraphs 14 and 16 of Schedule 12A of the Local Government Act 1972 as it contains information classified as exempt under Schedule 12A that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 11.3 In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Other Information:-**

***Relevant Scrutiny Committee: Children and Young People***

### ***Background Papers***

### ***Contact Officer***

**Lisa Howell, Business and School Organisation Manager - 01443 744062**

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

**24<sup>TH</sup> SEPTEMBER 2020**

**21<sup>ST</sup> CENTURY SCHOOLS AND COLLEGES PROGRAMME – MUTUAL  
INVESTMENT MODEL (MIM) 21ST CENTURY SCHOOLS WELSH  
EDUCATION PARTNERSHIP – STRATEGIC PARTNERING AGREEMENT  
(SPA)**

**REPORT OF THE CHIEF EXECUTIVE IN DISCUSSION WITH THE  
CABINET MEMBER FOR EDUCATION (COUNCILLOR MRS J ROSSER)**

**Background Papers**

Council's [Welsh in Education Strategic Plan 2017-2020](#)

Cabinet Report of 9<sup>th</sup> April 2019 - PLANNING FOR WELSH MEDIUM  
EDUCATION PLACES - REPORT OF THE DIRECTOR OF EDUCATION AND  
INCLUSION IN DISCUSSION WITH THE CABINET MEMBER FOR  
EDUCATION (COUNCILLOR JOY ROSSER)